

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

[illegible]

**THE CITY OF NEW YORK AND NEW YORK COUNTIES' MOTION TO  
INTERVENE FOR THE LIMITED PURPOSE OF OBJECTING TO THE  
VEN-A-CARE/SCHERING/WARRICK PROPOSED SETTLEMENT**

The City of New York and New York Counties (hereinafter “the NY Counties”), by and through their attorneys of record, respectfully move pursuant to Rule 24 of the Federal Rules of Civil Procedure to intervene for the limited purpose of objecting to the proposed Settlement Agreement and Release and Order Approving Settlement and Dismissal with Prejudice between Schering-Plough Corporation, Schering Corporation, Warrick Pharmaceuticals Corporation and Ven-A-Care of the Florida Keys, Inc. [Dkt. No. 6173-2] (hereinafter “Schering/Warrick”).

As set forth more fully in the Memorandum of Law filed in support of this motion, the NY Counties have a civil action pending in this Court against Schering/Warrick (03-cv-10643-

PBS) which will be adversely affected if the Settlement Agreement and Release is approved and the proposed Order is entered. The NY Counties seek to intervene as of right, or, in the alternative, as a matter of the Court's discretion.

Dated: July 23, 2009

Respectfully submitted,

**City of New York and New York Counties in  
MDL 1456 except Nassau and Orange by**

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*Counsel for the County of Orange*

**Certification Pursuant to Local Rule 7.1**

The undersigned counsel certifies pursuant to Local Rule 7.1(a)(2) that she conferred with counsel for Schering/Warrick and Ven-a-Care on the issues raised in this motion and has not been able to reach agreement.

Dated: July 23, 2009

/s/ Joanne M. Cicala  
Joanne M. Cicala

**CERTIFICATE OF SERVICE**

I, Jocelyn R. Normand, hereby certify that I caused a true and correct copy of the foregoing to be served on counsel of record via electronic service pursuant to paragraph 11 of Case Management Order No. 2, by sending a copy to LexisNexis File and Serve for posting and notification to all parties.

Dated: July 23, 2009

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